

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

SALESFORCE.COM, INC.,

Defendant.

**Civil Action No. 6:20-cv-01163-ADA-DTG
Civil Action No. 6:20-cv-01164-ADA-DTG
Civil Action No. 6:20-cv-01165-ADA-DTG
Civil Action No. 6:20-cv-01166-ADA-DTG
Civil Action No. 6:20-cv-01167-ADA-DTG
Civil Action No. 6:20-cv-01168-ADA-DTG
Civil Action No. 6:20-cv-01169-ADA-DTG
Civil Action No. 6:20-cv-01170-ADA-DTG
Civil Action No. 6:20-cv-01171-ADA-DTG
Civil Action No. 6:20-cv-01172-ADA-DTG**

ORDER REGARDING DISCOVERY DISPUTES

This Court, having considered disputes raised by Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development's ("Plaintiff") and Defendant Salesforce.com, Inc. ("Defendant") during the December 21, 2022, Discovery Hearing, hereby ORDERS the following:

1. Defendant's request to compel Plaintiff's production of operating agreements from WSOU Holdings, LLC ("Holdings") and WSOU Capital Partners, LLC ("Capital Partners"), and equivalent document (*e.g.*, corporate bylaws) from Orange Holdings ("Orange"), is DENIED-IN-PART and GRANTED-IN-PART. Plaintiff is ORDERED to produce such documents to the extent they are in its possession, custody, and control. Defendant's request for the production of funding agreements is DENIED. Documents that are relevant to Mr. Etchegoyen's control of WSOU, including control of WSOU Holdings, LLC ("Holdings"), WSOU Capital Partners, LLC ("Capital Partners"), and Orange Holdings, is GRANTED. Plaintiff shall search for and produce documents related to the ownership or control of Holdings, Capital Partners, and Orange Holdings (such documents including, but not limited to operating agreements or other corporate governance agreements, corporate bylaws, corporate resolutions, meeting minutes, and other documents

bearing on the control of these entities). Plaintiff should endeavor to produce these documents well in advance of the second day of the 30(b)(6) Shanus deposition.]

2. Defendant's request to compel Plaintiff's production of the Secured Note and Borrower Security Agreement incorporated by reference into the August 22, 2017 Patent Security Agreement with Omega Credit Opportunities, Loan Agreement and Security Agreement incorporated by reference into the May 16, 2019 Patent Security Agreement with BP Funding Trust, and Loan Agreement and Security Agreement incorporated by reference into the May 28, 2021 Patent Security Agreement with OT WSOU Terrier Holdings is DENIED.

3. Defendant's request to compel a second deposition of Plaintiff's 30(b)(6) witness, Mr. Stuart Shanus, for a total of 14 hours is GRANTED. The second deposition is not limited in scope.

4. Plaintiff's request to compel Defendant to respond to Interrogatories 24 through 30 to provide information regarding Defendant's source code is GRANTED-IN-PART and DENIED-IN-PART. Defendant shall supplement its responses to Plaintiff's Interrogatories 24 through 30 by January 13, 2023 by providing factual descriptions of the operation of source code and specific functionality referenced in these Interrogatories; Defendant need not supplement to the extent these Interrogatories call for patent claim interpretation or infringement analysis (e.g., comparing source code to patent claims) in its response.]

5. Plaintiff's request to compel Defendant to provide email discovery is GRANTED-IN-PART. Defendant is to use Plaintiff's proposed ESI terms ("Plaintiff's Original Terms")¹ on the accounts of Daniel Reed, Ray Zado, and Sam Stake to generate search count hit counts for Plaintiff's Original Terms and provide hit counts to Plaintiff by January 4, 2023. After provision

¹ Due to the potential confidential nature of the search strings, the Court will not reproduce them in this Order.

of the hit counts, the parties shall meet and confer regarding the hit counts, the extent to which further search term narrowing is warranted, and narrowing of the scope of documents that may need to be identified in a privilege log. If the parties are unable to reach an agreement, they shall request further assistance from the Court.

Signed this 18th day of January, 2023.


HON. DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE